

Article - Public Utilities

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§3–104.

(a) (1) The Commission shall institute and conduct proceedings reasonably necessary and proper to the exercise of its powers or the performance of its duties.

(2) The Commission shall conduct its proceedings en banc or in panels of:

(i) at least three commissioners; or

(ii) one public utility law judge and at least two commissioners.

(3) A quorum consists of a majority of the Commission or a majority of a panel.

(b) (1) The Commission, a commissioner, or a public utility law judge may conduct hearings, examine witnesses, administer oaths, and perform any other acts necessary to the conduct of proceedings.

(2) The Executive Secretary of the Commission may administer oaths.

(3) Each record of a proceeding of the Commission is a public record.

(c) To the extent necessary to receive public comment for each application for a rate increase, the Commission shall hold a hearing at a convenient location and time during evening hours in the service area affected.

(d) (1) The Commission may delegate to a commissioner or to a public utility law judge the authority to conduct a proceeding that is within the Commission's jurisdiction.

(2) In a delegated proceeding, the commissioner or public utility law judge shall:

(i) conduct the hearing and any other proceeding that the commissioner or public utility law judge considers necessary; and

(ii) file with the Commission, and simultaneously serve on all parties, a proposed order and findings of fact.

(3) The proposed order shall become final unless appealed as provided in § 3–113(d) of this subtitle.

(e) (1) This subsection applies unless, after considering any staff recommendation as to the extent of staff participation, the Commission determines that the public interest would not be served by staff participation.

(2) In each matter before the Commission, the staff of the Commission shall:

(i) analyze the data submitted to the Commission;

(ii) prepare a staff position based on that analysis; and

(iii) make an evidentiary presentation setting forth the staff's analysis of the issues and its recommendations.

(3) In making analyses and recommendations, the staff is:

(i) governed by the criteria in § 2-113 of this article; and

(ii) a party and has the rights of a party to the proceeding, including the rights specified in § 3-107 of this subtitle.

(4) The staff shall present direct and redirect cases of its own, cross-examine, submit briefs, and engage in oral argument as the staff considers necessary to ensure that the Commission has a complete record on all relevant issues in a particular case.

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